GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Establishment – R & B Department – Final seniority list of Superintending Engineers(R&B) for the years from 2002-03 to 2006-07 – Orders – Issued.

TRANSPORT, ROADS & BUILDINGS (SER) DEPARTMENT

G.O.Ms No. 23 Dated: 09.05.2025

Read the following:-

1. GO Ms No.11 T(R&B)(Ser) Dept., dated 02-06-2022.
2. GO Ms No.32 T(R&B)(Ser) Dept, dt 12-05-2023.
3. GO Ms No.33 T(R&B)(Ser) Dept, dt 12-05-2023.
4. From the E-in-C(R&B) Admn letter No.7717/VC(Ser)/2023 dated 16-05-2023 and Letter No.7718/VC(Ser)/2023, dated 16-05-2023.
5. Govt Memo No.891586/RDBSOENC(PROM)/19/2019-Ser-RB, dated 17-05-2023.
6. Circular Memo No.7717/VC(Ser)/2023, dated 17-05-2023.
7. Circular Memo No.7718/VC(Ser)/2023, dated 17-05-2023.
8. Objections received from (14) Engineers.
9. From the E-in-C(R&B) Admn letter No.7717/VC(Ser)/2023 Dated 14-06-2023.
10. Govt.Memo No. 891586/R&B.SERVICES/2019, dated 21-03-2025.
11. From the E-in-C(R&B) Admn., A.P., Vijayawada vide letter No.7718/VC(Ser)/2023, Dated 25-03-2025.

O R D E R:-

In the GO 1st read above, the seniority list of Executive Engineers(R&B) for the period from 1986-87 to 2001-02 was approved and confirmed. Based on the said seniority list of Executive Engineers(R&B) dated 02-06-2022, the long pending year-wise panels of Executive Engineers(R&B) fit for promotion as Superintending Engineers(R&B) for the panel years from 2002-03 to 2006-07 were approved vide GO 2nd read above.

2. Subsequently, the Engineer-in-Chief(R&B) Admn., vide his letters 4th read above, has submitted a proposed seniority list of Superintending Engineers(R&B) for the period from 2002-03 to 2006-07 duly following the rules governing the issue of "seniority" at that relevant point of time and also undertaking the mandatory exercise stipulated by the Hon'ble High Court in its Judgment dated 11-12-2018 in WP No.4415 of 2016 & Batch. After

examination of the same, in Memo 5th read above, the Engineer-in-Chief(R&B) Admn., was directed to place the provisional seniority list of Superintending Engineers(R&B) for the said period in official websites of both the States i.e., Andhra Pradesh and Telangana and call for objections from the affected Engineers and send them along with the specific remarks of the Engineer-in-chief(R&B) Admn on such objections for taking further action.

3. Accordingly, the provisional seniority list of Superintending Engineers(R&B) for the period from 2002-03 to 2006-07 was placed in the official websites of (R&B) Department in two States i.e., Andhra Pradesh and Telangana vide Circular Memo 6th read above and objections were called for from the concerned Engineers. Subsequently, the Engineer-in-Chief(R&B) Admn., vide letter 9th read above, has informed that in response to the provisional seniority list of Superintending Engineers(R&B) dated 17-05-2023, (04) objections were received and he has submitted specific remarks on each of the objections raised by the Engineers for further examination at Government level with a further request to issue necessary orders for finalization of the seniority list of Superintending Engineers(R&B) for the period from 2002-03 to 2006-07.

4. The objections raised by the Engineers as well as the specific remarks of the Engineer-in-Chief(R&B) Admn., are thoroughly examined and certain information was sought from the Engineer-in-Chief(R&B) Admn., vide Memo 10th read above. Subsequently, the Engineer-in-Chief(R&B) Admn., vide letter 11th read above has submitted his report which enunciated the rule position as well as the legal position governing the present issue:

a) As per the following Judgments of either Hon'ble Supreme Court or Hon'ble High Court of AP, the Article-16(4A) of Constitution of India is an enabling provision and the concerned State has to make rules / issue orders either for providing rule of reservation in promotions in favour of SCs/STs or for extending consequential seniority to the accelerated reserved category promotees by applying mandatory requirements as contemplated under Article-16(4A):

    1) Hon'le Apex Court Judgment dated 19-10-2006 in M.Nagaraj & Ors Vs Union of India & Ors

    2) Hon'le Apex Court Judgment dated 26-09-2018 in Jarnail Singh & Ors Vs Lachhmi Narain Gupta & Ors

    3) Hon'ble High Court of AP Judgment dated 23-02-2012 in WP No.2614 of 2011 & Batch

4) Hon'ble High Court of AP Judgment dated 11-12-2018 in WP No.4415 of 2016 & Batch.

b) In erstwhile combined State of AP, rule of reservation in promotions in favour of SCs/STs was incepted vide GO Ms No.5 SW(SW.ROR.I) Dept, dated 14-02-2003 and following Statutory Rules / executive orders were issued in regard to implementation of reservation in promotions in favour of SCs/STs up to the year 2006-07:

1) GO Ms No.5 SW(SW.ROR.I) Dept, dated 14-02-2003.
2) GO Ms No.21 SW(ROR.I) Dept, dated 18-03-2003.
3) GO Ms No.123 GA(Ser-D) Dept, dated 19-04-2003.
4) GO Ms No.2 SW(SW.ROR.I) Dept, dated 09-01-2004.
5) GO Ms No.76 SW(SW.ROR.I) Dept, dated 19-10-2004.
6) GO Ms No.16 SW(SW.ROR.I) Dept, dated 17-02-2005.
7) GO Ms No.18 SW(SW.ROR.I) Dept, dated 17-02-2005.
8) GO Ms No.4 SW(ROR.I) Dept, dated 24-01-2007.

c) All the above rules / executive orders have prescribed the methodologies to be followed for filling up of the roster points earmarked for SCs/STs while preparing a panel of employees fit for promotion to the next higher post. But they are completely silent with regard to extending consequential seniority to the accelerated reserved category promotees. In fact, an executive GO was issued in GO Ms No.26 SW(ROR.I) Dept, dated 20-02-2009 enabling conferment of consequential seniority to accelerated reserved category promotees. As such, there is no rule/order which confers the consequential seniority to the accelerated reserved category promotees for the period from 14-02-2003 to 20-02-2009.

d) Therefore, in absence of any Rule / order framed by the State by applying mandatory requirements as contemplated under Article-16(4A) (as interpreted by Hon'ble Supreme Court in M.Nagaraj & Ors Vs Union of India & Ors, Jarnail Singh & Ors Vs Lachhmi Narain Gupta & Ors and S.Panneer Selvam & Ors Vs Government of Tamil Nadu & Ors) for the period from 2002-03 to 2006-07, the accelerated reserved category promotees cannot count their seniority in the promoted category from the date of their notional promotion.

5. Accordingly, after interactively analyzing all the executive orders issued by the Social Welfare Department and the Statutory Rules – 5, 6, 22 and 33 of AP State and Subordinate Service Rules, 1996 Rules for the relevant period from 2002-03 to 2006-07 and keeping in view of the Judgments of Hon'ble High Court of AP (i) dated 23-02-2012 in WP No.2614/2011 & Batch (ii) dated 29-11-2018 in WP No.9456 of 2018 (iii) dated 11-12-2018 in WP No.4415 of 2016 & Batch and also the erudite opinion already rendered by the Advocate General, AP dated 26-11-2019 in this regard, the objections submitted by the (04) Engineers on the provisional seniority list of Superintending Engineers(R&B) dated 17-05-2023 are examined thoroughly and found to be contrary to either the rule position or the settled legal position governing this issue and hence, are hereby rejected. A statement showing the action taken on the objections put forward by the (04) Engineers is herewith enclosed.

6. Government after careful examination of the matter, hereby approve and confirm the seniority list of Superintending Engineers(R&B) for the period from 2002-03 to 2006-07 as furnished by the Engineer-in-Chief(R&B) Admn., duly following the rules in vogue and appended as Annexure-I to this order.

7. This order is subject to outcome of all pending cases on the subject in Hon'ble High Court / Hon'ble Supreme Court of India, if any.

8. The Engineer-in-Chief(R&B) Admn., AP shall take further necessary action, in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KANTILAL DANDE
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Engineer-in-Chief(R&B), Administration, A.P., Vijayawada.
The individual, through the Engineer-in-Chief(R&B) Administration, A.P., Vijayawada.
Copy to :
The T,R&B Department, Telangana Secretariat, Hyderabad.
The Engineer-in-Chief(R&B) Administration, Telangana through the Engineer-in-Chief(R&B) Administration, A.P., Vijayawada.
SF/SC(891586)

//FORWARDED :: BY ORDER//

SECTION OFFICER

Annexure-I to G.O. Ms.No.23 T,R&B(Ser) Dept., dated:09.05.2025

Final seniority list of Superintending Engineers(R&B) for the years from 2002-03 to 2006-07

S. No	Name of the Superintending Engineer	Cete-gory	Date of Birth	Date of notional commence ment of probation arrived	Date from which the seniority is reckoned
1	P.Satyanarayana		07-11-1949	01-10-2002	01-10-2002
2	K.Sudhakar		25-06-1947	01-11-2002	01-11-2002
3	Y.V.Suryanarayana Murthy		15-12-1944	01-11-2002	01-11-2002
4	K.Neelakanta Reddy		02-05-1945	01-11-2002	01-11-2002
5	P.Subbarayudu		01-07-1946	01-12-2002	01-12-2002
6	P.S. Prakasa Reddy		10-06-1946	01-12-2002	01-12-2002
7	K. Venugopal Pillai		20-06-1946	01-01-2003	01-01-2003
8	D.Chandrasekhara Reddy		27-11-1946	01-03-2003	01-03-2003
9	SBS Krishnaprasad		15-07-1947	01-03-2003	01-03-2003
10	Goverdhan		25-09-1946	01-04-2003	01-04-2003
11	B. Madhava Rao		03-01-1949	01-04-2003	01-04-2003
12	A. Krishna Murthy		12-12-1947	01-06-2003	01-06-2003
13	M.V. Narasaiah		10-08-1946	01-06-2003	01-06-2003
14	V. Ravindranath		03-09-1948	01-06-2003	01-06-2003
15	B.V.S.Prakasa Rao		01-07-1946	01-06-2003	01-06-2003
16	K. Siva Reddy		02-05-1954	01-06-2003	01-06-2003
17	N. Rama Rao	SC	01-07-1954	01-07-2003	01-07-2003
18	G.V.S. Suryanarayana Raju		15-07-1956	01-07-2003	01-07-2003
19	G. Simhagiri		01-01-1948	01-08-2003	01-08-2003
20	N. Raghuma Reddy		06-04-1950	31-08-2003	31-08-2003
21	Ch. Ramulu		07-08-1947	31-08-2003	31-08-2003
22	B. Rajgopala Reddy		01-12-1954	01-01-2004	01-01-2004
23	T. Babu Raj		12-04-1956	01-06-2004	01-06-2004

S. No	Name of the Superintending Engineer	Cete-gory	Date of Birth	Date of notional commence ment of probation arrived	Date from which the seniority is reckoned
24	K. Gnanaraju	SC	29-10-1958	01-07-2004	01-07-2004
25	G. Jagannadha Rao		16-08-1957	01-07-2004	01-07-2004
26	S. Jaswanth Kumar		18-11-1954	01-07-2004	01-07-2004
27	D.V. Bhavanna Rao		08-07-1952	01-07-2004	01-07-2004
28	M.V. Narsimha Rao		12-12-1956	01-07-2004	01-07-2004
29	M.Gangadharam	ST	01-07-1958	01-02-2003	01-07-2004
30	G.Ramakrishna Kumar		13-07-1958	01-07-2004	01-07-2004
31	A. Rajulu		02-07-1957	01-08-2004	01-08-2004
32	E.Venkat Reddy		27-06-1956	31-08-2004	31-08-2004
33	Mir Yousuf Ali		24-06-1954	01-10-2004	01-10-2004
34	MV. Narasimham		01-11-1952	26-10-2004	26-10-2004
35	R.Gopala Krishna	ST	01-01-1957	01-01-2004	26-10-2004
36	Ch. Ram Manohar Rao		25-09-1949	01-11-2004	01-11-2004
37	C. Ramakishan Rao		14-08-1955	01-12-2004	01-12-2004
38	A. Murali	SC	10-05-1960	01-12-2004	01-12-2004
39	S. Nagabhushanam		20-06-1958	01-01-2005	01-01-2005
40	P.Srinivasa Rao		02-10-1950	01-01-2005	01-01-2005
41	K. Sudershan		01-11-1955	01-03-2005	01-03-2005
42	D. Laxminarayana Rao		08-07-1950	01-03-2005	01-03-2005
43	K. Bikshapathy		26-01-1959	01-04-2005	01-04-2005
44	M. Ramaswamy Iyer		11-08-1952	20-04-2005	20-04-2005
45	P. Ravinder Rao		01-07-1958	01-05-2005	01-05-2005
46	P. Subbaraya Sarma		18-08-1957	01-06-2005	01-06-2005
47	K.V. Nagaraja		01-04-1957	01-07-2005	01-07-2005
48	I. Ganapathi Reddy		18-02-1959	01-07-2005	01-07-2005
49	R. Srinivasa Rao		20-01-1956	01-08-2005	01-08-2005
50	V.L.Narasimha Rao		02-06-1948	01-08-2005	01-08-2005
51	T. Suraparaju Naidu		10-05-1949	01-08-2005	01-08-2005
52	M.Raj Mehta	SC	01-08-1950	01-08-2005	01-08-2005
53	Khaja zia ul Hasan		19-10-1947	31-08-2005	31-08-2005

S. No	Name of the Superintending Engineer	Cete-gory	Date of Birth	Date of notional commence ment of probation arrived	Date from which the seniority is reckoned
54	G.Vasanth		06-04-1951	31-08-2005	31-08-2005
55	B.Chinnaiah	SC	05-07-1951	01-10-2005	01-10-2005
56	D.Janardhan Reddy		10-04-1948	01-11-2005	01-11-2005
57	D.Rajendrakaran	SC	04-07-1948	14-11-2005	14-11-2005
58	A.Vijaya Kumar		01-04-1953	14-11-2005	14-11-2005
59	A.Kasivisweswar Rao		18-07-1952	14-11-2005	14-11-2005
60	K.Shyamakumar		09-02-1953	14-11-2005	14-11-2005
61	B. Mallesam		15-06-1950	22-12-2005	22-12-2005
62	P.V.Sarma		14-08-1949	30-12-2005	30-12-2005
63	D.Pratap Reddy		04-01-1949	01-01-2006	01-01-2006
64	B.Manohar swamy		14-04-1953	01-01-2006	01-01-2006
65	P.Madhusudhan		01-03-1950	01-02-2006	01-02-2006
66	G.Goverdhan Reddy		12-07-1949	01-05-2006	01-05-2006
67	K.M.Jaya Rao		30-01-1951	01-07-2006	01-07-2006
68	V.Suneetham Rao		06-07-1952	01-08-2006	01-08-2006
69	M.Bhushanam	SC	24-08-1951	31-08-2006	31-08-2006
70	K.Navaneetha Rao		23-06-1951	01-10-2006	01-10-2006
71	P.Rajeswar Reddy		09-10-1954	01-10-2006	01-10-2006
72	K. Ashok Reddy		01-01-1952	01-11-2006	01-11-2006
73	K.Mahender		15-08-1959	01-01-2007	01-01-2007
74	Y.Rajeev Reddy		12-06-1960	01-02-2007	01-02-2007
75	J. Chandrasekara Reddy		10-06-1959	01-02-2007	01-02-2007
76	S.Rama Murthy	ST	01-01-1958	01-06-2007	01-06-2007
77	Ch.V. Soma Sekhar		03-06-1960	01-06-2007	01-06-2007
78	P. Sridhar		15-08-1957	01-08-2007	01-08-2007
79	M. Venugopala Rao		07-07-1958	31-08-2007	31-08-2007

KANTILAL DANDE
PRINCIPAL SECRETARY TO GOVERNMENT

<u>Annexure-II to G.O. Ms.No.23, T,R&B(Ser) Dept., dated:09.05.2025</u>

Objections on provisional seniority list of Superintending Engineers(R&B) communicated vide Circular Memo No.7717/VC(Ser)/2023, dated 17-05-2023

Sno	Name of Engineer Sri / Smt	Objections / office remarks
1.	**I.Madhusudhana Rao, Rtd I/c SE, dt 21-05-2023**	***1) His name was kept as EE under panel year 1994-95. But, his name was not found place in the cadre of SE.***
		As a matter of fact, his name was included as EE in the panel year 1994-95. Based on that, his name was included as SE in the panel of SEs for the year 2000-2001 at Sl No.1 and orders to that effect were issued vide GO Ms No.23 T(R&B)(Ser) Dept, dated 13-07-2022. **Hence, this objection is ignored as no further action is required.**
2	**M.Subba Rao, I/c E-in-C retired dt 30-05-2023**	***1) In the above seniority list, his name was not found and his juniors as per merit-cum-roster policy, were placed above him, which indicates that the rule of reservations in promotions was not followed.*** ***2) In the above seniority list, ROR in promotions was not followed in letter and spirit and in fact it was diluted with misinterpretations though the principle and manner of application of ROR was upheld by the Hon'ble High Court and Apex Court in several judgments.***
		<u>Reply</u>: The rule of reservation in promotions was introduced in erstwhile State of AP vide GO Ms No.5 SW(SW.ROR.I) Dept, dated 14-02-2003. Subsequently, suitable amendments

		were made to AP State and Subordinate Service Rules'1996 vide GO Ms No.123 GA(Ser-D) Dept, dated 19-04-2003 (however with retrospective effect from 14-02-2003). Accordingly, each panel of Executive Engineers(R&B) fit for promotion as Superintending Engineers(R&B) were prepared in terms of Rule-5 & Rule-6 read with Rule-22(2)(e). Further, from the panel year 2002-03 onwards, the names of eligible Executive Engineers(R&B) pertaining to SC / ST categories, were shown against the roster points earmarked for them, irrespective of their seniority position in the Executive Engineer(R&B) category. However, the last EE included as SE was Sri M.Venugopala Rao. He stands at Sl No.383 of seniority list of EEs communicated vide GO Ms No.11 T(R&B)(Ser) Dept, dated 02-06-2022. The name of the applicant is at Sl No.387 and as such, his name is to be included in the next panel year of 2007-08 at appropriate place, as the cadre strength of SE for the panel year 2006-07 is (36) and quota of STs is (2) and as on 31-08-2007, (3) STs i.e., Sri M.Gangadharam, Sri R.Gopala Krishna and Sri S.Rama Murthy pertaining to ST cateogry are already working as SEs. Hence, there is adequacy with regard to STs in SE cadre. **Hence, the claim of the applicant that ROR in promotions was not implemented is not correct.** ***3) It appears that for preparing the seniority in R&B department, the formula adopted in granting reservations in promotions to the SC / ST officers in Telangana secretariat was adopted in this case also, which was done by misinterpretation of ROR policy in promotions, implementing the consequential seniority in promotions (resulting from 85th Amendment to the Constitution of India) from 20-02-2009 i.e., the date of GO MS No.26.***

		Adopting Telangana model and denying consequential seniority from the year 2003, the year in which GO Ms No.5 dated 14-02-2003 was issued, is gross misinterpretation and violation of several judgments issued by the High Court and Apex Court in respect of implementation of rule of reservations and consequential seniority in promotions.
		Reply: ROR in promotions in favour of SCs / STs was introduced in State of AP in the year 2003, i.e., after the Constitution (Eighty Fifth Amendment) Act, 2001 and orders to that effect were issued vide GO Ms No.5 dated 14-02-2003. In preamble of the said GO, at Para-1, the amended Article-16(4A) was explicitly extracted which contains the said phrase "with consequential seniority". Further, at Para-2 of the said GO, the objective of the said amendment was specifically alluded as extracted below: "2. The said Amendment to the Constitution has been made with an objective of making a provision for reservation in matter of promotion ***with consequential seniority*** to any class or classes of posts in the services under the State in favour of Scheduled Castes and Scheduled Tribes which in the opinion of the State, are not adequately represented in the service under the State". In spite of so, the then Government of AP while passing orders, have issued instructions for providing reservations in promotions in favour of SC / ST employees, but no such instructions were issued for conferring consequential seniority to such accelerated promotees. From the above, it is evident that it never been the opinion of the then Government to extend

		consequential seniority to the accelerated promotees and they have decided to grant promotions only. However, in the year 2009, the Government of AP have issued executive order vide GO Ms No.26 dated 20-02-2009 in enabling consequential seniority to the reserved category promotees. As such, from 14-01-2003 to 20-02-2009, there is no such orders which extends consequential seniority to the reserved category promotees. As such, in absence of a provision for conferring consequential seniority to the accelerated promotees in the relevant service rules, they are not automatically entitled for consequential seniority with effect from the notional date of commencement of probation so arrived in the year-wise panels approved by the Government vide GO Ms No.32 dated 12-05-2003. Further in view of the binding addicts of Hon'ble Supreme Court in the following cases, there must be a provision for extending consequential seniority to the reserved category promotees and otherwise, they are not entitled for consequential seniority automatically:
		1) Suraj Bhan Meena & Anr vs State Of Rajasthan & Ors on 07-12-2010 2) U.P.Power Corp.Ltd vs Rajesh Kumar & Ors on 27-04-2012 3) Panneer Selvam & Ors Vs State of Tamilnadu on 27-08-2015 4) B.K.Pavitra & Ors vs Union Of India & Ors on 09-02-2017 5) Jarnail Singh vs Lachhmi Narain Gupta on 26-09-2018 6) B.K. Pavitra vs Union of India on 10-05-2019 7) Pravakar Mallick vs State of Orissa on 17-04-2020
		As such, the claim of the applicant that for such conclusion, the Telangana model was adopted is merely misapprehension. In fact, there is no such discussion in the entire revision of panels of Secretariat cadres taken up by Telangana

		State. Further non preparation of panels in EE and higher cadres since 2002-03 is an indigenous situation prevailed in (R&B) Department alone and hence, the rules those were in force from 2002-03 onwards from time to time are to be applied for year-wise panels of SEs and as such, the claim of the applicant that the consequential seniority as per GO MS No.5 dated 14-02-2003 was not correct, as there was no provision in GO MS No.5 for extending consequential seniority for the period from 2002-03 to 2006-07. Further, the learned Advocate General, in his opinion dated 26-11-2019 has also, in categorical terms have held as follows: It is to be noted that the enablement of roster-point promotions, introduced in GO.Ms. No.5 dt 14.2.2003, is statutorily recognized by way of amendment to Rule-22 of the AP State and Subordinate Rules, vide GO Ms No.123 dt 19.4.2003. However, the issue of consequential seniority to be conferred on the promotes, consequent to such appointment was not enabled in the year 2003. An Executive GO was issued in GO Ms No.26 dt 20.02.2009 enabling conferment of consequential seniority to roster point promotes, in pursuance of its introduction vide GO Ms No.5 dt 14.2.2003.
		In view of the above, this objection is not tenable.
		4) As per ROR in promotions, he is eligible for 58th slot intended for STs. Earlier he has filed OA No.6381 of 2013 in APAT. The then Deputy E-in-C(Admn) has filed counter and admitted that based on the Hon'ble APAT orders as well as Hon'ble High Court / Apex Court directions, in the review panels, his name was kept at 75th point which is earmarked to the ST in panel year of EEs fit for promotion as SEs. However, now, the 75th slot was filled

		with other candidates.
		<u>Reply</u>: In this connection, it is submitted that earlier, after approval of SE panel for the year 1993-94 vide GO Ms No.156 T(R&B) Dept, dated 24-06-1994, panels in the cadre of SE were not conducted due to seniority disputes and hence, only in-charge arrangements were made.
		However, in the year 2003, the Govt have approved the panel of EEs fit for promotion as SEs for the year 2002-03 with (48) vacancies vide GO Ms No.31 T(R&B)(Ser.I) Dept, dated 13-03-2003, however subject to review of earlier panels of EEs based on the integrated seniority list of DEEs issued in GO Ms No.150 dated 20-08-2002 and also in terms of orders issued vide GO Ms No.5 dated 14-02-2003.
		Subsequently, the SE panel of 2002-03 was reviewed vide GO Ms No.121 T(R&B)(Ser.I) Dept, dated 30-08-2004 wherein (40) vacancies were considered as the vacancies that were arisen prior to inception of ROR in promotions i.e., 14-02-2003 and (8) vacancies were arisen after 14-02-2003 and accordingly ROR in promotions were applied to the (8) vacancies.
		However, Sri M.Gangadharam, the then EE has filed WP No.20707/2005 in Hon'ble AP High Court and based on the orders of Hon'ble Court dated22-09-2005 and 28-04-2006, the Govt have applied ROR in promotions to entire (48) vacancies and vide GO Ms No.50 T(R&B)(Ser.I) Dept, dated 02-03-2007, have issued orders for notional promotion to Sri M.Gangadharam as SE.
		But, at Para-8 of above GO, it was specifically mentioned that "his inclusion/placement in the panel ordered in Para-7 above is subject to further review based on the seniority list as contended in GO Ms No.150 dated 30-08-2002 and GO Ms No.129 dated 17-09-2004.

		Based on the above placement of Sri M.Gangadharam, his name was included as CE in the panel year 2002-03 vide GO Ms No.141 T(R&B)(Ser.I) Dept, dated 04-06-2007.
		But, the above inclusion as CE also subject to further review based on earlier panels approved in the category of EEs based on the integrated seniority list of DEEs.
		In view of the above developments, in absence of year-wise panels from the year 1994-95 to 2001-02, the adhoc panel of EEs fit for promotion as SEs was conducted by the Government. It is pertinent to mention here that the panel year of 2002-03 of SEs was conducted with the EEs who are in service as on 01-09-2002.
		However, afterwards, the subsequent E-in-C has revised the seniority list of DEEs and finalized integrated seniority list of DEEs dated 04-08-2011. The year-wise panels of EEs, SEs and CEs were approved based on the above integrated seniority list of DEEs dated 04-08-2011, however without preparing and finalizing seniority lists at each and every cadre.
		The above integrated seniority list of DEEs was challenged by Sri M.Gangadharam in Hon'ble APAT in OA No.1614/2012 & Batch. Hon'ble Tribunal in its Judgment dated 11-12-2013 have set aside the integrated seniority list dated 04-08-2011 and directed as follows:
		"The official Respondents are directed to follow the final seniority list covered by G.O.Ms.No.314, Transport, Roads & Buildings Department, dated 29.11.1994, if they do not find the necessity of any modifications in the said seniority list. If they find necessity of any modification as observed by the High Court of A.P. in M.SHYAM SUNDAR Vs. GOVERNMENT OF ANDHRA PRADESH 2001 (6) ALD 87 that the Government is at liberty to review the final seniority list in respect of other Deputy Executive Engineers, approved in G.O.Ms.No.314, Transport, Roads & Buildings Department, dated 29-11-1994, if the same is found to be contrary to the relevant rules subject to the findings and observations

		recorded in the Judgment, they shall incorporate necessary modifications and follow the said seniority list for the purpose of promotion to higher categories. After making the changes, if any, as directed by High Court of Andhra Pradesh and Supreme Court the official Respondents are directed to review the promotions as per seniority in G.O.Ms.No.314, Transport, Roads & Buildings Department, dated 29-11-1994, with the modifications, if any, as directed by High Court of Andhra Pradesh and Supreme Court".
		In view of the above, the zone-wise seniority list of DEEs issued vide GO MsNo.37 T(R&B)(Ser.II) Dept, dated 23-03-2002 which was prepared by making modifications to GO MS No.314 dated 29-11-1994 as per High Court Judgment in M.SHYAM SUNDER was considered as final and integrated seniority list of DEEs finalized vide GO Ms No.129 dated 17-09-2003 was taken as final. Based on the above, the panels of EEs revised vide GO Ms No.87 dated 25-06-2006 was also taken into account for preparation of long pending year-wise panels of SEs from 1994-95 onwards.
		Hence, the situation that was prevailed at the time of approval of adhoc panel of SEs for the year 2002-03 (vide GO Ms No.31 dated 13-03-2003) was not there, after preparing the year-wise panels from 1994-95 to 2001-02 (as per orders of APAT dated 11-12-2013). Hence, in the year 2002-03, the name of Sri M.Gangadharam was included against 8th roster earmarked for STs and accordingly ROR in promotions in favour of SCs / STs was followed. Since the cadre strength of SEs for the years from 2002-03, 2003-04, 2004-05, 2005-06 and 2006-07 were 29, 29, 31, 36 and 36 respectively, the quota of STs shall be 1, 1, 2, 2 and 2. As such, for the year 2003-04, there is adequacy in respect of STs. However, in the year 2004-05, the name of Sri R.Gopala Krishna was included against 33rd roster earmarked for STs. As such, adequacy was again reached. As such, the 58th roster and 75th rosters meant for STs were filled up with

		general seniority in terms of orders issued vide GO Ms No.2 SW(SW.ROR.I) Dept, dated 09-01-2004.
		In view of the above, the contentions now put forward by the applicant are not tenable and there is no violation of rules or judgments in whatsoever. Hence, this objection is ignored.
		5) Advocate General in his opinion dated 26-11-2019 duly upholding the rule of reservation and the manner of its application as per judgment issued in WP No.4415/2016 dated 11-12-2018 and stated that state is obliged to comply with the directions contained therein in the context of findings of the high court about GO MS No.5 and GO Ms No.26. As such advocate general clearly dispelled doubts, what so ever.
		Reply: As already explained above, the learned Advocate General, in his opinion dated 26-11-2019 has also, in categorical terms have held as follows: It is to be noted that the enablement of roster-point promotions, introduced in GO.Ms. No.5 dt 14.2.2003, is statutorily recognized by way of amendment to Rule-22 of the AP State and Subordinate Rules, vide GO Ms No.123 dt 19.4.2003. However, the issue of consequential seniority to be conferred on the promotes, consequent to such appointment was not enabled in the year 2003. An Executive GO was issued in GO Ms No.26 dt 20.02.2009 enabling conferment of consequential seniority to roster point promotes, in pursuance of its introduction vide GO Ms No.5 dt 14.2.2003.
		Earlier, the year-wise panels were prepared as per the opinion of the Advocate General and subsequently they were placed before Empowered Committee. But, as a matter of fact, in these year-wise panels of EEs and SEs also, the consequential seniority to the accelerated promotees was not extended with from the year 2002-03 to 2008-09. However,

		no seniority list was issued at that time. Now, the seniority list was issued. But, in both the actions, the consequential seniority to the accelerated promotees was not extended for the period from 2002-03 to 2008-09.
		Hence, this objection is ignored.
		6) The Empowered Committee constituted with Sri Neerabh Kumar Prasad as chairman, for preparation of year-wise panels in all cadres in R&B Dept, met on 12-08-2020 and the proceedings of the said meeting were communicated to Govt on 13-08-2020. The said committee followed the ROR properly without any dilution and misinterpretation. ***Surprisingly, in the seniority list now communicated, even the roster point No.75 which is intended to STs, was not allotted to him, even though R&B Dept admitted in its counter affidavit in OA No.6381 of 2013 that he was placed in 75th slot.***
		Reply: The role of the Empowered Committee, in general, is to finalize the methodologies / modalities for preparation of long pending year-wise panels retrospectively and pave the way for concerned DPCs to recommend the names of Engineers fit for promotion to the next higher cadres. But, as per the Para-5 of Empowered Committee recommendations dated 12-08-2020, it can be ascertained that the Administrative Dept ie., T(R&B) Dept has placed a statement showing the details of year-wise cadre strength, adequacy details of SCs / STs in each panel year for different categories of posts viz., EEs, SEs, CEs and E-in-Cs. As a matter of fact, the EC has never gone through the year-wise panels and as per the contents of Para-5 of its recommendations, the year-wise panels were also never placed before the EC.
		Further, keeping in view of the interim orders of Hon'ble High Court dated 19-06-2020 in WP No.10128/2020 filed by Sri L.Sreenivasa Reddy, I/c CE in directing the Respondents as well as the Empowered Committee to

		undertake the exercise as stipulated in M.NAGARAJ and JARNAIL SINGH, the Empowered Committee, in its final recommendations, has directed the Administrative Dept to place the said Annexure before Hon'ble High Court in WP No.10128/2020 and take further necessary action in compliance with the orders of Hon'ble High Court in this regard and submit the year-wise panels of all higher cadres accordingly.
		The said EC recommendations were placed before Hon'ble Court and this issue is pending for adjudication. It is further informed that the direction of Hon'ble High Court to place the said record of the exercise before Court is not mechanical. Hon'ble Apex Court in M.NAGARAJ has categorically pronounced that "in each case the Court has got to be satisfied that the State has exercised its opinion in making reservations in promotions for SCs and STs and for which the concerned State will have to place before the Court the requisite quantifiable data in each case and satisfy the Court that such reservations became necessary on account of inadequacy of representation of SCs/ STs in a particular class or classes of posts without affecting general efficiency of service as mandated under Article 335 of the Constitution". It was further clarified by Apex Court that "We have not examined the validity of individual enactments of appropriate States and that question will be gone into in individual writ petition by the appropriate bench in accordance with law laid down by us in the present case"
		As such, the Hon'ble High Court is required to analyze the data placed before it and pass its consent / satisfactory orders in terms of law laid down by Apex Court in M.NAGARAJ. Until then, the exercise undertaken either by the Department or the Empowered Committee, cannot be construed to be final and is in accordance with the directives of Apex Court in M.NAGARAJ and JARNAIL SINGH.
		In view of the above, the objection of the applicant is ignored.
		7) Finally, the applicant has requested to

		follow the opinion given by the Advocate General, panels approved by the EC and place him at 58th slot intended for STs in the panel of EEs fit for promotion as SEs.
		Reply: As already explained above, the opinion of AG, AP was followed in toto. Further, no panels of higher cadres were, in deed, approved by the Empowered Committee.
		In view of the above, this objection is ignored.
3	**S.Rama murthy, E-in-C, Rtd dated 29-05-2023**	***1) He was a direct recruit DEE of 1986 batch. He was promoted as EE in October'2000 and promoted as SE in October'2004. Subsequently he was placed as I/c CE vide GO Rt No.225 dt 14-02-2008. But, now, he was notionally promoted as SE w.e.f 01-06-2007. But, he was promoted as SE in 2003-04 itself.***
		Reply: As already explained above, the panel of SEs for the year 2002-03 was reviewed and approved vide GO Ms no.121 dated 30-08-2004. On the same day, the panel of SE for the year 2003-04 was also approved wherein the name of Sri S.Rama Murthy was included at Sl No.1 showing that he was included against carried forwarded roster point No.8 (which was carried forward in the GO 121).
		But, it is to inform that subsequently the said carry forwarded roster point No.8 was subsequently deemed to have been consumed by Sri M.Gangadharam and orders to that effect were issued vide GO Ms No.51 dated 02-03-2007. As such, the orders issued in GO MS No.122 are to be reviewed invariably.
		It is also a fact that even though Sri R.Gopala Krishna (1982 DEE batch) pertaining to ST category is already available before S.Rama Murthy (1986 DEE batch), his name was not included because he was facing certain charges at the time of approval of GO Ms No.122. However, the said charges were dropped in the year 2008. As such, the panel of SE approved vide GO 122 is liable for revision on the above two reasons. Hence, the applicant cannot, as a matter of right, claim his date of promotion as SE in the panel year 2003-04.
		Hence, this objection is ignored.

		2) The Advocate General in his opinion uphold the ROR and its manner of application as per Hon'ble court Judgment dated 4415 of 2016 dt 11-12-2018. Empowered Committee have also gone through the methodology adopted by the Department and observed that it is in accordance with the orders issued by the Govt. The Counter filed by the Dept in OA No.6381 of 2005 also shown him against Roster No.58 (ST). Adopting Telangana model and denying consequential seniority is gross misinterpretation.
		Reply: As the above claims are already discussed at Point No.1 to 7 of Objection No.2 (Sri M.Subba Rao).
4	**P.Rajeshwer Reddy, SE, Rtd dated 06-06-2023**	***1) Spelling of his name at Sl No.71 of seniority list of SEs in the panel year 2006-07 is "P.Rajeswar Reddy" which is not as per his service register and AG pension order. Hence, requested to correct the same as "P.Rajeshwer Reddy".***
		Reply: This correction was made, accordingly.

KANTILAL DANDE
PRINCIPAL SECRETARY TO GOVERNMENT